

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SABRANINO ALTRANINO  
THOMPSON,

Defendant.

No. CR10-0093-JAJ

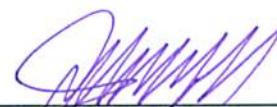
ORDER

This matter appears before the court on the defendant's motion to appoint counsel (docket no. 144). The defendant filed such motion on September 9, 2013. Appointment of counsel is based on multiple factors, including the complexity of the case, and, although the court does appoint attorneys in actions that arise under 28 U.S.C. § 2255, it is not required to appoint an attorney. *See Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996) (setting forth factors to be considered for appointment of counsel in civil case); *Abdullah v. Gunter*, 949 F.2d 1032, 1035 (8th Cir. 1991) (same); *Wiggins v. Sargent*, 753 F.2d 663, 668 (8th Cir. 1985) (stating an indigent litigant enjoys neither a statutory nor a constitutional right to have counsel appointed in a civil case); *Day v. United States*, 428 F.2d 1193, 1195 (8th Cir. 1970) ("The Sixth Amendment does not extend to persons seeking post conviction relief." (citing *Baker v. United States*, 334 F.2d 444, 447 (8th Cir. 1964))). In light of the law and the record, the court concludes that appointment of counsel is not warranted. Specifically, the statutory sentencing range (10 years to life) that the defendant faced with respect to count 3 of the superseding indictment did not impact the defendant's sentence. Indeed, the court relied on USSG §4B1.1 or the career offender

sentencing guideline, rather than Chapters 2 and 3 of the sentencing guidelines, to sentence the defendant to 300 months imprisonment on counts 1, 2 and 3 of the superseding indictment. Consequently, neither *Alleyne v. United States*, \_\_\_ U.S. \_\_\_, 133 S. Ct. 2151 (2013), nor *Dorsey v. United States*, 567 U.S. \_\_\_, \_\_\_, 132 S. Ct. 2321 (2012), entitle the defendant to any relief under 28 U.S.C. § 2255. Accordingly, the defendant's motion for appointment of counsel (docket no. 144) is denied.

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of September, 2013.



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JON STUART SCOLES  
Chief Magistrate Judge  
UNITED STATES DISTRICT COURT